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44/RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: MICHAEL D. BULLOCK ET AL.
Serial No.: 09/735,002
Filed: December 12, 2000
For: APPARATUS, SYSTEMS AND METHODS

: Date: June 18, 2002
:
: Group Art Unit: 3711
:
: Examiner: Tom P Duong

RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

In response to the Office Action mailed April 11, 2002, please consider the following remarks regarding the allowability of the above-identified patent application.

Regarding the status of the present application, Claims 1-16 are pending in this application. Reconsideration of this application is respectfully requested.

Claims 1-3, 5, 8-11, 13 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Design Patent No. D387,404 issued to Tyliasz in view of US Patent No. 5,388,832 issued to Hsu. Notwithstanding the Examiner's rejection, it is respectfully submitted that the present invention is not obvious in view of the Tyliasz and Hsu patents, taken singly or together.

✓ The Tyliasz patent discloses a putter head whose front face is entirely flat as should be clear from looking at Figs 3-6. It is respectfully submitted that the Examiner's statement that the Tyliasz putter has a "flat ball contact surface that comprises ... lateral portions that taper rearwardly away from the ball contact surface" is not a disclosure or suggestion of the presently claimed invention. In the present invention, the lateral portions of the surface of the putter head taper rearwardly away from the ball contact surface. In the Tyliasz putter, the upper and lower edges of the putter ball contact surface taper upwardly and downwardly.

✓ The Examiner admitted that the Tyliasz putter does not have a relatively small, centrally-located, flat ball contact surface. This is because the Tyliasz putter is not designed to be a practice putter. In fact, the entire front putting contact surface of the Tyliasz putter is flat. It is noted that the front surface of the Tyliasz putter is at a slight angle that is normal with putter head designs. In contrast to the Tyliasz putter, the present putter has the relatively small, centrally-located, flat ball contact surface which helps to force the user to hit the golf ball at its sweet spot. This is not the case with the Tyliasz putter.

✓ The Hsu patent is cited by the Examiner as disclosing a straight shaft with an offset relative to the striking surface. It is respectfully submitted that the Hsu patent does not disclose or suggest any of the novel features of the presently claimed invention. It is respectfully submitted that the Hsu patent does not disclose or suggest a putter head of that comprises a body having a front surface with a relatively small, centrally-located, flat ball contact surface or a body whose lateral portions taper rearwardly away from the ball contact surface.

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With specific regard to independent Claim 1, it is respectfully submitted that the Tylistz or Hsu patents, taken singly or together, do not disclose or suggest a putter head that comprises "a body having a front surface with a relatively small, centrally-located, flat ball contact surface that comprises a sweet spot of the putter head and lateral portions that taper rearwardly away from the ball contact surface".

The Examiner stated that "It would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the front surface of Tylistz to have a smaller contact surface as described by the Applicant to let the user know whether or not the ball is struck properly at its sweet spot. Furthermore, a change in size is generally recognized as being within the level of ordinary skill in the art." It is respectfully submitted that these conclusions by the Examiner are in error.

It is respectfully submitted that one of ordinary skill in the art would not modify the Tylistz putter to have a small ball contact area since it is not designed to be a practice putter head. Furthermore, the present invention does not only claim "a change in size" as is asserted by the Examiner, but claims the structure of a putter head that has a relatively small, centrally-located, flat ball contact surface and lateral portions of the ball contact surface that taper rearwardly away from the ball contact surface. This structure is not disclosed or suggested by either of the cited references.

Therefore, it is respectfully submitted that Claim 1 is not obvious in view of the Tylistz or Hsu patents, taken singly or together. Accordingly, withdrawal of the Examiner's rejection of Claim 1 is respectfully requested.

With regard to independent Claim 9, and in view of the above arguments, it is respectfully submitted that the Tylistz or Hsu patents, taken singly or together, do not disclose or suggest a putter head that comprises "a body having a front surface with a relatively small, centrally-located, flat ball contact surface that comprises a sweet spot of the putter head and lateral portions that taper rearwardly away from the ball contact surface".

Therefore, it is respectfully submitted that Claim 9 is not obvious in view of the Tylistz or Hsu patents, taken singly or together. Accordingly, withdrawal of the Examiner's rejection of Claim 9 is respectfully requested.

Dependent Claims 2, 3, 5, 8, 10, 11, 13 and 16 are considered patentable over the Tylistz or Hsu patents, taken singly or together, based upon the patentability of Claims 1 and 9. Accordingly, withdrawal of the Examiner's rejection of Claims 2, 3, 5, 8, 10, 11, 13 and 16 is respectfully requested.

Claims 6 and 14 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over US Design Patent No. D387,404 issued to Tylistz in view of US Patent No. 5,388,832 issued to Hsu, and further in view of US Patent No. 4,121,833 issued to Prueter. The Examiner admitted that the Tylistz patent does not disclose or suggest that lateral portions of the front surface of the putter head are curved surfaces. The Examiner cited the Prueter patent as teaching that "the striking surface (39) has a curved configuration (See Fig. 11)".

It is respectfully submitted that the Prueter patent discloses in Fig. 11 that the entire front surface (and rear surface) of the putter head is curved. There is no disclosure or suggestion in the Prueter patent relating to Fig. 11 regarding a relatively small, centrally-located, flat ball contact surface. It is respectfully submitted that one skilled in the art would not modify the Tyllisz putter head to have curved lateral surfaces absent using hindsight reconstruction in light of Applicants' own teachings. It is respectfully submitted that substantially all of the putter heads disclosed in the Prueter patent have curved ball contact surfaces.

Therefore, it is respectfully submitted that Claims 6 and 14 are not obvious in view of the Tyllisz, Hsu or Prueter patents, taken singly or together, and certainly not without using hindsight reconstruction. Also, it is respectfully submitted that Claims 6 and 14 are patentable over the Tyllisz, Hsu and Prueter patents based upon the patentability of Claims 1 and 9. Accordingly, withdrawal of the Examiner's rejection of Claims 6 and 14 is respectfully requested.

Claims 7 and 15 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over US Design Patent No. D387,404 issued to Tyllisz in view of US Patent No. 5,388,832 issued to Hsu, and further in view of US Design Patent No. D234,962 issued to Swash. The Examiner admitted that the Tyllisz patent shows a bore to receive a shaft but it does not show the openings at the lateral ends. The Examiner cited the Swash patent as teaching that "the lateral end has an opening (See Figs. 2 and 3)".

It is respectfully submitted that Claims 7 and 15 are patentable over the Tyllisz, Hsu and Swash patents based upon the patentability of Claims 1 and 9. Accordingly, withdrawal of the Examiner's rejection of Claims 7 and 15 is respectfully requested.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure to the extent indicated by the Examiner.

In view of the above, it is respectfully submitted that Claims 1-16 are not anticipated by, nor are they obvious in view of, the cited patents, taken singly or together, and are therefore patentable. Accordingly, it is respectfully submitted that the present application is in condition for allowance. Reconsideration and allowance of this application are earnestly solicited.

Respectfully submitted,



Kenneth W. Float
Registration No. 29,233

The Law Offices of Kenneth W. Float
Office Address: 2 Shire, Coto de Caza, CA 92679
Mailing Address: PO box 80790, Rancho Santa Margarita, CA 92688
Telephone: (949) 459-5519
Facsimile: (949) 459-5520